IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.481 OF 2007
Along with
Civil Application No.811 of 2007

Smt Halimabee Kamaruddin Shaikh
and ors. .. Appellants.

Vs

State of Maharashtra & Anr. .. Respondents.

Mr R.S.Apte for Mr.N.R.Bubna, for the appellants.
Mrs G.P.Muley, AGP for the respondent-State.

CORAM : D.B.BHOSALE,J.
DATED : 22nd August, 2007

P.C.:

1. Heard learned counsel for the parties.

2. This second appeal is filed by the plaintiffs. Their suit for declaration and injunction has been dismissed by both the courts below concurrently holding that the plaintiffs have failed to prove their ownership of the suit property. Mr Apte, learned counsel for the appellants, vehemently, submitted that the suit property is adjacent to the property of the appellants bearing CTS Nos.1179 to 1182 and 1184 situated at Nanapeth, Pune and it was gifted to the plaintiffs by the two Gift Deeds dated 15.4.1956 and 5.3.1991. He submitted that it is nobody's case that the gift deeds do not pertain to the suit property. He further submitted that the findings of facts recorded by the courts below are perverse and are not based on the evidence on record. I perused the judgments of the courts below.The appellate court in paragraphs 8 to 11

has considered the evidence produced on record by the plaintiffs in support of their case and has recorded a categoric finding in paragraph 11 that the suit property as described in paragraph 1 of the plaint and in the gift deeds do not tally, apart from the fact that these documents do not show that the property described in the gift deeds was given in actual possession to the donee. I perused the gift deeds as also the descriptions of the property in the plaint. In my opinion, the courts below have not committed any error in recording the aforesaid findings in respect of the suit property. The concurrent findings recorded by the courts below are entirely based on the evidence on record. No substantial question of law is either involved or raised in this appeal. In the circumstances, the second appeal is dismissed. As a consequence thereof, the civil application stands disposed of.

(D.B.BHOSALE,J.)